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AND HOLLY J. MITCHELL

Assembly Bill 958 (Gipson): Opposing Law Enforcement Cliques and Gangs

In Los Angeles County, deputy secret societies have existed since at least 1970 and were addressed in a report by Special Counsel James G. Kolts in 1992. In 2012, the report of the Citizens Commission on Jail Violence (CCJV) noted, “for years management has known about and condoned deputy cliques and their destructive subcultures that have undermined the Core Values articulate [sic] by the Sheriff. These factors have contributed to force problems in the jails as well as numerous off-duty force incidents involving deputies.” Nonetheless, the groups endured and, in some ways, grew bolder.

The Banditos purportedly gained effective control of the East Los Angeles Sheriff’s Station, excluding members based on race and gender and employing violent tactics to enforce their influence. The Executioners of Compton employed a Nazi-style helmet in their membership tattoo. This conduct has received repeated public scrutiny (see, for example, The Office of Inspector General’s 2018 quarterly report on Reform

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and Oversight Efforts, calling for implementation of CCJV recommendation 5.8: *The Department should discourage participation in destructive cliques*) and yet, despite numerous instances of misconduct, civil litigation bringing to light the extent of these groups, and actions and statements, the Los Angeles County Sheriff's Department ("Sheriff's Department") has claimed the "groups" no longer exist.

The existence of these deputy gangs, or "cliques" as they were dubbed by the CCJV, is a phenomenon unique to the Sheriff's Department. While extremist groups may have infiltrated other law enforcement agencies, none of these other agencies appear to include a group with exclusive membership and numbered tattoos that have been publicly identified as a white supremacist organization. A critical and disturbing feature of many of these groups is their pervasive discrimination based on race and gender. Repeated instances of misconduct have been associated with the groups, but it is the discrimination they appear to employ in their membership, which persists within the Sheriff's Department, that discloses their corrupting nature.

A code of silence historically has kept details of their nature and conduct secret for fifty years (for example, see Analysis of the Criminal Investigation of Alleged Assault by Banditos, Office of Inspector General, October, 2020, documenting the failure to enforce LASD policy requiring cooperation by law enforcement in criminal investigations allowing two dozen deputies to decline to give statements about the gang). This code of silence surrounding these cliques is used to protect the unlawful conduct and interests of these groups.

In response to pressure from the Sheriff Civilian Oversight Commission (COC), the Sheriff's Department has implemented a policy that purports to restrict membership

in these groups. Unfortunately, this policy does not prohibit the existence of these groups, does not require the Sheriff's Department to identify groups that violate its terms, and does not require cooperation with outside investigators such as the Inspector General or Attorney General.

While the intent of Assemblymember Gipson's Assembly Bill (AB) 958 is admirable, there are significant deficiencies rendering it inadequate that must be addressed. The bill as currently constructed limits the prohibition on law enforcement cliques to circumstances in which there is misconduct separate and apart from membership. Consequently, even when a group has been identified as a law enforcement clique, membership cannot be prohibited unless the peace officer also engages in illicit activity. As a result, a peace officer cannot be disciplined or terminated for membership alone.

Secondly, the definition of "law enforcement cliques" does not fully encompass all subgroups of concern. Not every subgroup "intentionally violates the law or fundamental principles of professional policing," but many are nonetheless unofficial groups that undermine the authority of law enforcement and are damaging to the community, especially when they exclude members in a manner that discriminates against persons of a particular race or gender. Therefore, the definition should be expanded to include that law-enforcement agency personnel shall not actively participate in or solicit other personnel to join a clique or gang.

A clique is a subgroup of law enforcement officers within a law-enforcement agency unit that joins together to the exclusion of others within that unit, and that identifies itself by a name and is often associated with an identifying symbol, including

matching tattoos, and that engages in or promotes conduct that violates the rights of other employees or members of the public, violates law-enforcement agency policy, or otherwise causes undue embarrassment or damage to the law-enforcement agency's reputation and/or erodes the public's confidence. The language should make clear that any employee who actively participates in or solicits another employee to join a clique, will be subject to discipline.

Experience has taught us that enforcement agencies must be required to cooperate in any investigation into such groups by an inspector general, the attorney general, or any other authorized agency.

Designating groups that are unlawful due to conduct or discrimination is an essential element of fairness for public employees who should be placed on notice that a group is prohibited. Until the groups are banned categorically, which must still be the ultimate goal, external investigation is needed to ensure that these reforms are real and not just words on a piece of paper.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Los Angeles County's Sacramento Advocates to oppose Assembly Bill 958 unless amended as follows:

1. 13670 Section 2 (a): "Law enforcement clique" means a group of peace officers within a law enforcement agency that may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to matching tattoos, who engage in a pattern of ~~regue~~ on-duty behavior that intentionally violates the law or fundamental principles of professional policing,

including, but not limited to, excluding, harassing, or discriminating against any individual based on any protected category under federal and state anti-discrimination laws, and engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

2. 13670 Section 2 (b) revise to read: Each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement clique, and that makes violation of that policy grounds for termination. A law enforcement agency shall cooperate in any investigation into such groups by an inspector general, the attorney general, or any other authorized agency. Notwithstanding any other provision of law, local agencies may impose greater restrictions on membership and participation in law enforcement cliques, including for discipline and termination purposes.

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